

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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James Allen Martin,

Civ. No. 11-347 (DSD/JJK)

Petitioner,

v.

**Order**

Dennis Benson,

Respondent.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated February 23, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: March 13, 2012

s/David S. Doty

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DAVID S. DOTY, Judge  
United States District Court